

REMARKS

The Office Action has been carefully reviewed. The examiner has required restriction to one of the following inventions:

Group I drawn to methods of treatment by administration of a peptide, and presently comprising claims 1-9, 14 and 15; and

Group II, drawn to methods of treatment by administration of cells, and presently comprising claims 1-13.

Additionally, the examiner has also required applicants to elect a single disclosed species from among the different types of injury or disease for prosecution on the merits.

Applicants elect Group I, presently comprising claims 1-9, 14 and 15, with traverse and further elect h) glaucoma as the species of injury or disease for prosecution on the merits.

The claims readable on the elected species are claims 6 and 8 with claims 1-3, 14 and 15 being generic.

It is understood that upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species.

The requirement for restriction is traversed on the basis that poly-Glu,Tyr is used for activation by direct administration to an individual or by first administering to T cells to activate the T cells and then administering the activated T cells to an individual. Thus, in both methods,

poly-Gly,Tyr is used to activate T cells, whether *in vivo*, *in vitro* or *ex vivo*. Accordingly, applicants submit that a search conducted for Group I and Group II would be nearly coextensive and would not be a serious burden even if the requirement is otherwise correct (MPEP 803, second paragraph).

New claims 16-31, directed to a pharmaceutical composition containing poly-Glu,Tyr or T cells activated with poly-Glu,Tyr and fully supported by the specification as originally filed, are added. Applicants believe that claims 16, 17, and 25-31 belong with Group I. Claims 30 and 31 are readable on the elected species of glaucoma with claims 16, 17, 25 and 26 being generic.

Reconsideration and examination of all the claims on the merits are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK  
Attorneys for Applicant(s)

By:



Allen C. Yun  
Reg. No. 37,971

ACY:pp  
624 Ninth Street, N.W., Suite 300  
Washington, D.C. 20001-5303  
Telephone: (202) 628-5197  
Facsimile: (202) 737-3528  
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